

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA

: INDICTMENT

- v. -

: 22 Cr. 178

DAVID ZAYAS,

:

Defendant.

:

- - - - - X

COUNT ONE

**(Possession of Crack Cocaine with Intent to Distribute)**

The Grand Jury charges:

1. On or about March 10, 2022, in the Southern District of New York and elsewhere, DAVID ZAYAS, the defendant, intentionally and knowingly distributed and possessed with the intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1).

2. The controlled substance involved in the offense was 28 grams and more of mixtures and substances containing a detectable amount of cocaine base, in a form commonly known as "crack," in violation of Title 21, United States Code, Section 841(b)(1)(B).

(Title 21, United States Code, Sections 841(a)(1) and  
(b)(1)(B).)

COUNT TWO  
(Possession of a Firearm in Furtherance of a  
Drug Trafficking Crime)

The Grand Jury further charges:

3. On or about March 10, 2022, in the Southern District of New York and elsewhere, DAVID ZAYAS, the defendant, during and in relation to a drug trafficking crime for which he may be prosecuted in a court of the United States, namely, possession of cocaine base with intent to distribute as charged in Count One of this Indictment, knowingly did use and carry firearms, and, in furtherance of such crime, did possess firearms, to wit: a black Smith & Wesson 9mm caliber semi-automatic handgun and a black Taurus 9mm caliber semi-automatic handgun.

(Title 18, United States Code, Section 924(c) (1) (A) (i).)

#### FORFEITURE ALLEGATIONS

4. As a result of committing the offense alleged in Count One of this Indictment, DAVID ZAYAS, the defendant, shall forfeit to the United States, pursuant to Title 21, United States Code, Section 853, any and all property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offense and any and all property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of, said offense, including but not limited to a sum of money in United States currency representing the amount of proceeds traceable to the commission of said offense.

#### Substitute Assets Provision

5. If any of the above-described forfeitable property, as a result of any act or omission of the defendant:

(a) cannot be located upon the exercise of due diligence;

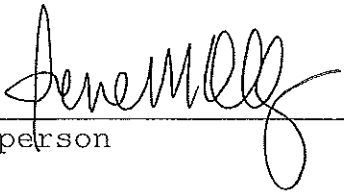
(b) has been transferred or sold to, or deposited with, a third party;

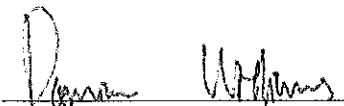
(c) has been placed beyond the jurisdiction of the court;

(d) has been substantially diminished in value; or

(e) has been commingled with other property which cannot be divided without difficulty;  
it is the intent of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeitable property described in this forfeiture allegation.

(Title 21, United States Code, Sections 853(a) and 853(p))

  
\_\_\_\_\_  
Foreperson

  
\_\_\_\_\_  
DAMIAN WILLIAMS  
United States Attorney

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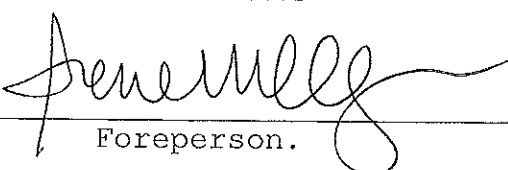
(18 U.S.C. §§ 924(c);  
21 U.S.C. § 841(b)(1)(B))

DAMIAN WILLIAMS

United States Attorney

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A TRUE BILL

  
Foreperson.

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